

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DANYETTA DOUGLAS, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
November 8, 2005

Petitioner-Appellee,

v

EARLETTA JOHNSON,

Respondent-Appellant.

No. 261796  
Oakland Circuit Court  
Family Division  
LC No. 04-693995-NA

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Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g) and (j). We affirm.

As the minor child entered adolescence and exhibited some very negative behavior, respondent was unable to effectively discipline her and resorted to threatening and hitting. The evidence indicated that respondent struck her child with a strap and a stick. Further, in one incident, after the child had let an adult man into their home while respondent was gone, respondent placed a kitchen knife to her daughter's neck and said that she would kill her, purportedly to demonstrate the dangers of letting an unknown man into their home. Even after respondent herself had contacted petitioner to obtain help in dealing with the child and had received counseling, she subsequently told both her caseworker and a Child Protective Services employee that she would kill the child if she was not removed from the home.

The trial court did not clearly err in finding that the statutory grounds for termination under §§ 19b3(g) and (j) were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that, by disciplining her child with threats to kill her and physical violence, respondent failed to provide proper care and custody and that respondent would not be able to correct the condition within a reasonable time because of her limited capacity to deal with the severe discipline problem that the child presented. Similarly, there is a reasonable likelihood that the child will be harmed mentally, if not physically, if she is returned to respondent's care and custody.

Also, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent represented that she would do whatever was necessary to have her child returned, other evidence demonstrated that respondent and the child could not get along and that respondent could not effectively discipline the child, which affected the child's well-being. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Patrick M. Meter